

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1752

**Introduced by Committee on Governmental Organization
(Jerome Horton (Chair), Plescia (Vice Chair), Aghazarian,
Bermudez, Calderon, Chavez, Levine, Torrico, and Yee)**

March 9, 2005

An act to amend ~~Section~~ *Sections 23356.2 and 23357* of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1752, as amended, Committee on Governmental Organization. Alcoholic beverages: beer ~~manufacturers~~. *brewing*.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing provisions regulate the sales of alcohol by licensed beer manufacturers, as defined. *That act requires, among other things, a license or permit to manufacture beer, except that no license or permit is required for the manufacture of beer for personal or family use, as specified.*

This bill would *clarify that a beer manufacturer does not include any person who brews beer for personal or family use, as provided, and would also* make technical, nonsubstantive changes to the provisions governing the sale of alcohol by licensed beer manufacturers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23356.2 of the Business and Professions
2 Code is amended to read:

3 23356.2. (a) No license or permit shall be required for the
4 ~~manufacture~~ brewing of beer for personal or family use, and not
5 for sale, by a person over the age of 21 years. The aggregate
6 amount of beer with respect to any household shall not exceed (a)
7 200 gallons per calendar year if there are two or more adults in
8 such household, or (b) 100 gallons per calendar year if there is
9 only one adult in such household.

10 Any beer ~~manufactured~~ brewed pursuant to this section may be
11 removed from the premises where ~~manufactured~~ brewed for use
12 in competition at organized affairs, exhibitions or competitions,
13 including homemakers' contests, tastings, or judgings.

14 (b) For purposes of this division, a beer manufacturer shall
15 not include any person who brews beer for personal or family
16 use pursuant to this section.

17 ~~SECTION 1.~~

18 SEC. 2. Section 23357 of the Business and Professions Code
19 is amended to read:

20 23357. A licensed beer manufacturer may, at the licensed
21 premises of production, sell to consumers for consumption off
22 the premises beer which is produced and bottled by, or produced
23 and packaged for that manufacturer. Licensed beer manufacturers
24 may also sell beer to any person holding a license authorizing the
25 sale of beer and may sell beer to consumers for consumption on
26 the manufacturer's licensed premises or on premises owned by
27 the manufacturer that are contiguous to the licensed premises and
28 that are operated by and for the manufacturer. Licensed beer
29 manufacturers may also sell beer and wine, regardless of source,
30 to consumers for consumption at a bona fide public eating place
31 on the manufacturer's licensed premises or at a bona fide public
32 eating place on premises owned by the manufacturer that are
33 contiguous to the licensed premises and that are operated by and
34 for the manufacturer. Notwithstanding any other provision of this
35 division, licensed beer manufacturers and holders of out-of-state
36 beer manufacturer's certificates may be issued and may hold
37 retail package off-sale beer and wine licenses. Alcoholic
38 beverage products sold at or from the off-sale premises that are

- 1 not produced and bottled by, or produced and packaged for, the
- 2 beer manufacturer shall be purchased by the beer manufacturer
- 3 only from a licensed wholesaler.

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